

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

:
DENNIS DERRICOTT, SR.
:
v. : Civil Action No. DKC 14-3234
:
NORA KOCH, et al.
:

MEMORANDUM OPINION

This case was referred to Magistrate Judge Thomas DiGirolamo for pretrial management and a report and recommendation for disposition. On July 20, 2015, Judge DiGirolamo filed a Report and Recommendation, recommending that the United States be substituted as the party defendant, and that Defendants' motion to dismiss be granted. On July 30, 2015, Plaintiff filed a "Notice of Objection" accompanied by exhibits.

Pursuant to 28 U.S.C. § 636, a district judge may designate a magistrate judge to conduct hearings and report proposed findings of fact and recommendations for action on a dispositive motion. Thereafter,

A party who is aggrieved by a magistrate judge's report and recommendation as to a dispositive motion must file "specific written objections to the proposed findings and recommendations" within fourteen days. Fed.R.Civ.P. 72(b)(2). The district judge must then "determine *de novo* any part of the magistrate judge's disposition that has been

properly objected to." Fed.R.Civ.P. 72(b)(3). But, the Court "need only conduct a *de novo* review of those portions of the Magistrate Judge's Report and Recommendation to which objection is made." *Chavis v. Smith*, 834 F.Supp. 153, 154 (D.Md.1993). As to those portions of the report for which there is no objection, the district court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315-16 (4th Cir. 2005) (quoting Fed.R.Civ.P. 72 advisory committee note), *cert. denied*, 546 U.S. 1091, 126 S.Ct. 1033, 163 L.Ed.2d 855 (2006).

Baltimore Line Handling Co. v. Brophy, 771 F.Supp.2d 531, 534-35 (D.Md. 2011).

Magistrate Judge DiGirolamo did not address the merits of Plaintiff's claim, recommending instead that the complaint be dismissed both because it is barred by the Federal Tort Claims Act and the Social Security Act, and because Plaintiff has not exhausted his administrative remedies. Plaintiff's objection does not even attempt to challenge those reasons for dismissing the complaint. Instead, Plaintiff appears to be challenging the merits of the actions taken by the Social Security Administration. As explained by Judge DiGirolamo, this court cannot reach the merits of those actions in the instant case. The court has reviewed the record and finds that the proposed

disposition is correct. Accordingly, the court will overrule Plaintiff's objections and adopt the Report and Recommendation, by separate order.

/s/
DEBORAH K. CHASANOW
United States District Judge